

E SULLIVAN

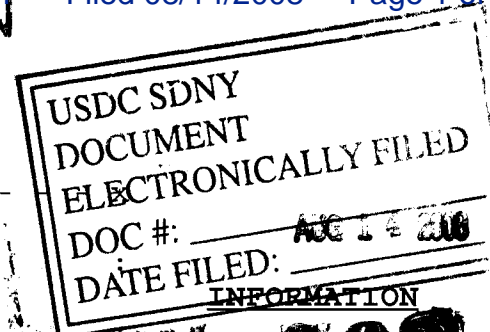
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

PETER SCAMINACI,

Defendant.



08 CRIM 763 JS)

COUNT ONE

The United States Attorney charges:

1. From on or or about February 8, 2008, through on or about February 13, 2008, in the Southern District of New York and elsewhere, PETER SCAMANACI, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that PETER SCAMANACI, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, mixtures and substances containing a detectable amount of methamphetamine, its salts, isomers and salts of isomers, in violation of Title 21, United States Codes, Sections 812, 841(a)(1), and 841(b)(1)(D).

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others,

were committed in the Southern District of New York and elsewhere:

a. On or about February 12, 2008, PETER SCAMINACI, the defendant, sent text messages to a co-conspirator not named herein ("CC-1").

b. On or about February 13, 2008, CC-1 traveled to an apartment in Manhattan, New York.

(Title 21, United States Code, Section 846.)

4. On or about March 25, 2008, in the Southern District of New York and elsewhere, PETER SCAMINACI, the defendant, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of methamphetamine, its salts, isomers, and salts of its isomers.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B).)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Information, PETER SCAMINACI, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to

commit and to facilitate the commission of the violations alleged in Counts One and Two of this Information.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

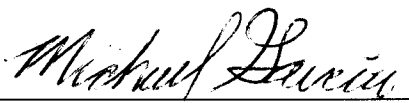
b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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INFORMATION

08 Cr. ____ (RJS)

(21 U.S.C. §§ 812, 841(a)(1),
841(b)(1)(B) and 846)

MICHAEL J. GARCIA
United States Attorney.

Peter J.

*Def rose withy Nelson. AGA Manningpro.
Filed waiver of indictment + Defendant
Def pleads N/G. Paul cont'd.
Time is excluded until 8/28/09.*

8/14/09